

U.S. Pat. Appl. Ser. No. 10/034,606
Attorney Docket No. 10191/2165
Reply to Office Action of April 8, 2005

AMENDMENTS TO THE DRAWINGS:

The attached Replacement sheet of drawings is submitted in response to the drawing objections as to a legend designating Figs. 2 and 3 as prior art, as detailed in the Office Action. Approval and entry are respectfully requested, and withdrawal of the objections is respectfully requested.

REMARKS

Claims 19 and 20 are added, and therefore claims 1 to 20 are now pending.

It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants note with appreciation the acknowledgement of the claim for foreign priority and the indication that all papers submitted under 35 U.S.C. § 119 have been received.

In response to the objections to the drawings, a sheet of drawings is submitted to address the objections as to a legend designating Figs. 2 and 3 as prior art. Withdrawal of the objections is therefore respectfully requested.

Claims 1 to 18 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,706,278 (the "Robilliard" reference).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the prior Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (*See Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

Claim 1 relates to a method of exchanging data between at least two users that are interconnected over a bus system. Claim 1 as presented provides for transmitting the data as event-oriented data as long as a preselectable latency is ensured for each message to be transmitted, and "if, and upon a condition that, the preselectable latency . . . is not ensured for each message to be transmitted, transmitting the data . . . according to a deterministic operation." Claims 11, 12, and 15 include subject matter similar to that of claim 1.

While the "Robilliard" reference discusses a combination of a time-slot allocation protocol (referred to by the Office Action as allegedly disclosing the deterministic operation) and a contention-based protocol (referred to by the Office Action as allegedly disclosing the transmission of data as event-oriented data), any review of the "Robilliard" reference makes plain that the time-slot allocation protocol is used for all transmissions. It is

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not used “upon a condition that” a preselectable latency is not ensured. In this regard, the “Robilliard” reference states that a plurality of time slots are generated in which all messages are transmitted. For each node that transmits critical messages, one or more time slots are assigned to the node for transmitting the critical messages. An additional time slot is provided that is not assigned to any particular node, and during which non-critical messages of all nodes are transmitted. Column 3, lines 36 to 62. Thus, the time-slot allocation protocol is used for all data transmissions, and the use of the time-slot allocation protocol is not upon a condition that a preselectable latency is not ensured.

Thus, the “Robilliard” reference does not identically disclose (or even suggest) all of the features recited in any of claims 1, 11, 12, and 15 as presented, so that these claims are allowable.

Claims 2 to 10 ultimately depend from claim 1 and are therefore allowable for the same reasons as claim 1. Claims 13 and 14 depend from claim 12 and are therefore allowable for the same reasons as claim 12. Claims 16 to 18 ultimately depend from claim 15 and are therefore allowable for the same reasons as claim 15.

It is therefore respectfully requested that the anticipation rejections of claims 1 to 18 be withdrawn.

New claims 19 and 20 do not add any new matter and are supported by the present application including the Specification. Claim 19 depends from claim 1 and is therefore allowable for the same reasons as claim 1. Claim 20 depends from claim 11 and is therefore allowable for the same reasons as claim 11.

Accordingly, claims 1 to 20 are allowable.

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Conclusion

In view of the foregoing, it is respectfully submitted that all of claims 1 to 20 are allowable. It is therefore respectfully requested that the objections and rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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